

REMARKS

This is in full and timely response to the non-final Office Action dated March 30, 2005 (Paper No. 20050316). The present Amendment cancels claims 1 to 25 and adds new claims 26 to 47. Support for these amendments can be found variously throughout the specification, including, for example, original claims 1 to 25. No new matter has been added. Accordingly, claims 26 to 47 are presently pending in the application, each of which is believed to be in condition for allowance. Reexamination and reconsideration in light of the present Amendment and the following remarks are respectfully requested.

Allowable Subject Matter:

The Applicant thanks the examiner for recognizing claims 9-11 and 24 as containing allowable subject matter. New claims 35-37 and 43 mirror the language of previously-allowed claims 9-11 and 24, respectively. Allowance of claims 35-37 and 43 for at least the reasons set forth on page 8 of the Action is therefore respectfully requested.

Claim Objections

In the Action, claims 9-11 were objected to as allegedly reciting an element not present in the drawings. Specifically, the examiner has alleged that the element "convey means" recited in claim 9 is not represented in the drawings (the Applicant notes that although claims 9-11 have been cancelled, new claims 35-37 recite the element "convey means"). However, as explained in the specification:

The deposit machine 5 is structured *such that the path 33 serves as convey means for conveying an IC card serving as a data storage device* by free fall in a way in which it can be seen, and the light-emitting diodes disposed at the trough 31 in the path 33 serve as a display having a display area in the path 33. In addition, the loop antenna disposed together with the light-emitting diodes serves as data communication means for transmitting and receiving data to and from an IC card held in the vicinity of the display area of the display and for performing various types of signal processing described later.

Page 44, lines 3-12 (emphasis added). This path 33, which serves as the convey means in the manner detailed above, is illustrated in Figure 9 of the drawings. As such, the "convey means" element recited in claim 35 is clearly represented in the drawings.

In addition, with respect to the objections to claim 1, new claim 26 has been drafted so as to overcome the stated objection. Withdrawal of both of these rejections is therefore courteously solicited.

Claim Rejections- 35 U.S.C. § 112

In the Action, claims 12-16, 20 and 23-25 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. This rejection has been rendered moot by the cancellation of claims 1-25. However, in order to expedite prosecution, new claims 26-47 have been drafted so as to overcome the examiner's stated § 112 rejections.

Claim Rejections- 35 U.S.C. § 103

In the Action, claims 1-8, 12-19, 21-22 and 25 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,587,598 to Dosch ("Dosch"). These rejections have been rendered moot by the cancellation of claims 1-25. However, inasmuch as new claims 26-47 recite subject matter similar to that disclosed in original claims 1-25, the potential application of the Dosch reference to new claims 26-47 is addressed below in an effort to expedite prosecution.

Independent claim 26 of the present invention recites an information processing apparatus *for performing data communication with a data storage device* in a non-contact manner, comprising data communication means for transmitting and receiving data to and from the data storage device by an electromagnetic wave, and *state indication means* for indicating a *first state in which the information processing apparatus is waiting for communication with the data storage device*, a second state in which the information processing apparatus is communicating with the data storage device, *and a third state in which communication between the information processing apparatus and the data storage device has been finished; wherein the state indication means is capable of showing the position where the data storage device should be held.*

In contrast, although Dosch arguably discloses a PCMCIA card adapted for radio communication with a base station, the Action fails to demonstrate how Dosch discloses, teaches or suggests *at least* an information processing apparatus for performing data communication

with a data storage device, as recited in claim 26 of the present invention. *See, e.g.*, col. 1, lines 6-10. In addition, although Dosch arguably discloses display means for displaying “the setting up of a communication with an identified base station”, the Action fails to demonstrate how Dosch discloses, teaches or suggest *at least* a first state in which the information processing apparatus is waiting for communication with the data storage device and/or a third state in which communication between the information processing apparatus and the data storage device has been finished, as recited in claim 26 of the present invention. *See, e.g.*, col. 2, lines 5-10. Moreover, although Dosch arguably discloses display means, the Action fails to demonstrate how Dosch discloses, teaches or suggests state indication means capable of showing the position where the data storage device should be held.

Accordingly, because Dosch fails to disclose, teach or suggest each and every limitation of claim 26, a *prima facie* case of obviousness has not been established, and allowance of this claim is respectfully requested. *See, e.g., In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *accord.* MPEP 2143.03. Moreover, aside from the novel limitations recited therein, claims 27-43, being dependent either directly or indirectly upon allowable base claim 26, are also allowable at least by virtue of their dependency upon allowable claim 26. Allowance of these claims is therefore courteously solicited.

Independent claim 44 recites a data communication method for accessing a predetermined data storage device in a non-contact manner, comprising the steps of sending a polling command to the data storage device; receiving a response to the polling command from the data storage device; ***communicating with the data storage device, wherein the communication condition with the data storage device is presented to a placement section for the data storage device***, the presentation being switched in accordance with the communication condition; and ***indicating the position where the data storage device should be held***.

In contrast, although Dosch arguably discloses a PCMCIA card adapted for radio communication with a base station, the Action fails to demonstrate how Dosch discloses, teaches or suggests *at least* a method for communicating with the data storage device, wherein the communication condition with the data storage device is presented to a placement section for the data storage device, as is recited in claim 44 of the present application. In addition, although Dosch arguably discloses display means, the Action fails to demonstrate how Dosch discloses, teaches or suggests indicating the position where the data storage device should be held, as is

recited in claim 44 of the present application. Accordingly, because Dosch fails to disclose, teach or suggest each and every limitation of claim 44, a *prima facie* case of obviousness has not been established, and allowance of this claim is respectfully requested.

Moreover, aside from the novel limitations recited therein, claims 45-47, being dependent either directly or indirectly upon allowable base claim 44, are also allowable at least by virtue of their dependency upon allowable claim 44. Allowance of these claims is therefore courteously solicited.

Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2301, from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

By 

Ronald P. Kananen

Registration No.: 24,104

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorney for Applicant